IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 478 OF 2005

Shantilal Khushaldas
and Bros. Pvt. Ltd. and
another. ... Petitioners

versus

State of Goa through
its Secretary(Mines)
and another. ... Respondents

Mr. Sunil Manohar with Mr. M. S. Sonak, Advocates for the Petitioners.

Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsule, Additional Government Advocate for the State/Respondent No.1.

CORAM : D. D. SINHA &
N. A. BRITTO, JJ.

DATE : 16TH DECEMBER, 2005.

P.C.:-

Mr. Sunil Manohar, the learned Counsel for the Petitioners and Mr. S. S. Kantak, the learned Advocate General for the State/Respondent No.1 seek oral permission to delete Union of India who is Respondent No.2 since the Petitioners

are not seeking any relief against the Respondent No.2 in the present Petition.

Permission is granted at the risk of the Petitioners. Petitioners are directed to delete Respondent No.2 forthwith.

Heard Mr. Sunil Manohar, the learned Counsel for the Petitioners and Mr. S. S. Kantak, the learned Advocate General for the State.

The Writ Petition is directed against the Order dated 15-3-2002 passed by the Director of Industries and Mines whereby the application of the Petitioners for renewal of mining leases came to be rejected as well as Revisional Order dated 11-3-2002 whereby the revision preferred by the Petitioners against the Order dated 15-3-2002 came to be dismissed.

Mr. Manohar, the learned Counsel for the Petitioners has contended that the Director of Industries and Mines rejected the application of the Petitioners for renewal of leases, mainly on the ground that the applicant failed to clear all the mining dues and also did not produce the valid clearance certificate and other documents as required under Section

22 of the Mineral Concession Rules 1960. It is further contended that similar reasons are given by the Revisional Authority for rejecting the Revision Petition filed by the Petitioner. It is submitted that the Petitioners have cleared all the dues for the period from 23-5-87 to 31-3-2005 and the Director of Industries and Mines has issued Clearance Certificate dated 12-12-2005 for this period which clearly shows that the Petitioners have no dues towards royalty/value of mineral, dead rent/surface rent outstanding against them payable to the Government during the period from 23-5-87 to 31-3-2005 in respect of the deemed 21 mining leases held by them in the State of Goa. It is submitted that the said Certificate is annexed to the present Petition as Annexure "E".

The learned Counsel for the Petitioners further contended that since the Petitioners have paid all the dues and Clearance Certificate is also issued by the Director of Industries and Mines as well as all other requirements being fulfilled by the Petitioners, the Petitioners, made representation on 7-12-2005 to the Director of Mines, Government of Goa for reconsideration of the application of the Petitioners for renewal of leases in view of the change circumstances. Mr. Manohar, the learned Counsel, therefore, prayed that direction be given to the Director of Mines, State of Goa/Respondent No.1 to consider the representation of the Petitioner.

The learned Advocate General states that the representation of the Petitioner shall be considered as per the directions of this Court.

In the backdrop of the above referred fact, it appears that the Director of Industries and Mines as well as the Revisional Authority rejected the application of the Petitioner for renewal of leases mainly on the ground that the Petitioner did not produce the Clearance Certificate/No Due Certificate as well as other documents as required under Section 22 of the Mineral Concession Rules 1960. However, in view of the change circumstances referred to herein above, in our view, it will be appropriate to dispose of the present Petition with the following direction.

The State Government is directed to consider the representation of the Petitioner dated 7-12-2005 on its own merit, according to law and procedure applicable in this regard as early as possible in any case, not beyond the period of eight weeks from the date of receipt of this Order. The impugned Orders shall not come in the way of the State Government to consider the representation of the Petitioner as directed by this Order.

Mr. Manohar, the learned Counsel states that since the Writ

Petition is not decided on merits of the issues raised in the Petition, same may be kept open. Since, we have not adjudicated upon any of the issues raised in the Petition on merits, the issues raised in the Petition are kept open.

With these observations and directions, Writ Petition is disposed of.

D. D. SINHA, J.

N. A. BRITTO, J.

RD.